

the following procedure is to demonstrate, with a 95% probability, that the phosphogypsum from this area of the stack has a radium-226 concentration no greater than 10 pCi/g. The procedure is iterative, the sample size may have to be increased more than one time; otherwise the phosphogypsum cannot be removed from this area of the stack for distribution to commerce pursuant to § 61.204.

(1)(i) Solve the following equation for the total number of samples required:

$$n_2 = \left( \frac{1.64s_1}{10 - \bar{x}_1} \right)^2.$$

(ii) The sample size  $n_2$  shall be rounded upwards to the next whole number. The number of additional samples needed is  $n_A = n_2 - n_1$ .

(2) Obtain the necessary number of additional samples,  $n_A$ , which shall also be taken at regularly spaced intervals across the surface of the location on the stack from which phosphogypsum will be removed.

(3) Measure the radium-226 concentration of each of the  $n_A$  additional samples in accordance with the analytical procedures described in 40 CFR part 61, appendix B, Method 114.

(4) Recalculate the mean and standard deviation of the entire set of  $n_2$  radium-226 concentrations by joining this set of  $n_A$  concentrations with the  $n_1$  concentrations previously measured. Use the formulas in paragraph (a)(3) of this section, substituting the entire set of  $n_2$  samples in place of the  $n_1$  samples called for in paragraph (a)(3) of this section, thereby determining the mean,  $\bar{x}_2$ , and standard deviation,  $s_2$ , for the entire set of  $n_2$  concentrations.

(5) Repeat the procedure described in paragraph (a)(4) of this section, substituting the recalculated mean,  $\bar{x}_2$ , for  $\bar{x}_1$ , the recalculated standard deviation,  $s_2$ , for  $s_1$ , and total sample size,  $n_2$ , for  $n_1$ .

(6) Repeat the procedure described in paragraph (b) of this section, substituting the recalculated mean,  $\bar{x}_2$  for  $\bar{x}_1$ .

[64 FR 5579, Feb. 3, 1999]

#### § 61.208 Certification requirements.

(a)(1) The owner or operator of a stack from which phosphogypsum will be removed and distributed in commerce pursuant to § 61.204, § 61.205, or § 61.206 shall prepare a certification document for each quantity of phosphogypsum which is distributed in commerce which includes:

- (i) The name and address of the owner or operator;
- (ii) The name and address of the purchaser or recipient of the phosphogypsum;
- (iii) The quantity of phosphogypsum, in kilograms or pounds sold or transferred;
- (iv) The date of sale or transfer;
- (v) A description of the intended end-use for the phosphogypsum;
- (vi) The average radium-226 concentration, in pCi/g (pCi/lb), of the phosphogypsum, as determined pursuant to § 61.207; and
- (vii) The signature of the person who prepared the certification.

(2) The owner or operator shall retain the certification document for five years from the date of sale or transfer, and shall produce the document for inspection upon request by the Administrator, or his authorized representative. The owner or operator shall also provide a copy of the certification document to the purchaser or recipient.

(b)(1) Each distributor, retailer, or reseller who purchases or receives phosphogypsum for subsequent resale or transfer shall prepare a certification document for each quantity of phosphogypsum which is resold or transferred which includes:

- (i) The name and address of the distributor, retailer, or reseller;
- (ii) The name and address of the purchaser or recipient of the phosphogypsum;
- (iii) The quantity (in pounds) of phosphogypsum resold or transferred;
- (iv) The date of resale or transfer;
- (v) A description of the intended end-use for the phosphogypsum;
- (vi) A copy of each certification document which accompanied the phosphogypsum at the time it was purchased or received by the distributor, retailer, or reseller; and
- (vii) The signature of the person who prepared the certification.

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(2) The distributor, retailer, or reseller shall retain the certification document for five years from the date of resale or transfer, and shall produce the document for inspection upon request by the Administrator, or his authorized representative. For every resale or transfer of phosphogypsum to a person other than an agricultural end-user, the distributor, retailer, or reseller shall also provide a copy of the certification document to the purchaser or transferee.

[57 FR 23317, June 3, 1992, as amended at 65 FR 62158, Oct. 17, 2000]

### § 61.209 Required records.

(a) Each owner or operator of a phosphogypsum stack must maintain records for each stack documenting the procedure used to verify compliance with the flux standard in § 61.202, including all measurements, calculations, and analytical methods on which input parameters were based. The required documentation shall be sufficient to allow an independent auditor to verify the correctness of the determination made concerning compliance of the stack with flux standard.

(b) Each owner or operator of a phosphogypsum stack must maintain records documenting the procedure used to determine average radium-226 concentration pursuant to § 61.207, including all measurements, calculations, and analytical methods on which input parameters were based. The required documentation shall be sufficient to allow an independent auditor to verify the accuracy of the radium-226 concentration.

(c) Each facility which uses phosphogypsum pursuant to § 61.205 or § 61.206 shall prepare records which include the following information:

(1) The name and address of the person in charge of the activity involving use of phosphogypsum.

(2) A description of each use of phosphogypsum, including the handling and processing that the phosphogypsum underwent.

(3) The location of each site where each use of phosphogypsum occurred, including the suite and/or building number, street, city, county, state, and zip code.

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(4) The mailing address of each facility using phosphogypsum, if different from paragraph (c)(3) of this section.

(5) The date of each use of phosphogypsum.

(6) The quantity of phosphogypsum used.

(7) The certified average concentration of radium-226 for the phosphogypsum which was used.

(8) A description of all measures taken to prevent the uncontrolled release of phosphogypsum into the environment.

(9) A description of the disposition of any unused phosphogypsum.

(d) These records shall be retained by the facility for at least five years from the date of use of the phosphogypsum and shall be produced for inspection upon request by the Administrator, or his authorized representative.

### § 61.210 Exemption from the reporting and testing requirements of 40 CFR 61.10.

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

## Subpart S [Reserved]

## Subpart T—National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings

SOURCE: 54 FR 51702, Dec. 15, 1989, unless otherwise noted.

### § 61.220 Designation of facilities.

(a) The provisions of this subpart apply to owners and operators of all sites that are used for the disposal of tailings, and that managed residual radioactive material during and following the processing of uranium ores, commonly referred to as uranium mills and their associated tailings, that are listed in, or designated by the Secretary of Energy under title I of the Uranium Mill Tailings Radiation Control Act of 1978, except § 61.226 of this subpart which applies to owners and operators of all sites that are regulated under title II of the Uranium Mill Tailings Radiation Control Act of 1978.